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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Auto Finance Specialists, Inc.,

Plaintiff,

VS.

ADESA Phoenix, LLC, a New Jersey)
Limited Liability Company; Circle T. Inc.),
an Idaho Corporation; The Auto Shoppe,
Inc., an Iowa Corporation; Does 1 through)
100, inclusive,)

Defendants.

No. CV-09-0200-PHX-JAT

ORDER

IT IS ORDERED that, pursuant to the Notice of Voluntary Dismissal (Doc. #71), ADESA Phoenix, LLC's cross-claim against the Auto Shoppe, Inc., is dismissed.¹

IT IS FURTHER ORDERED that Unknown Parties 1 through 100 are dismissed because the Federal Rules of Civil Procedure do not permit the use of fictitious defendants.

IT IS FURTHER ORDERED granting Plaintiff's Motion for Default Judgment against (Doc. #70) Defendant Circle T., Inc. as follows:

¹ ADESA Phoenix, LLC already voluntarily dismissed its cross-claim against Circle T, Inc. (Doc. #65) and settled the claim and counterclaim with Plaintiff (Doc. #62).

1 The Clerk of the Court shall enter judgment: (1) in favor of Plaintiff Auto Finance
2 Specialist, Inc., and against Defendant Circle T., Inc. in the amount of \$48,252.67;² and (2)
3 in favor of Defendant Auto Shoppe, Inc., and against Plaintiff (with Plaintiff to take nothing
4 from Defendant Auto Shoppe, Inc.) based on this Court's order of May 11, 2010 (Doc. #69).³

5 DATED this 27th day of May, 2010.

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9 James A. Teilborg
10 United States District Judge
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24 ² Even after the entry of default, the decision to award default judgment is still within
25 the discretion of the court. *Penpower Technology Ltd. v. S.P.C. Technology*, 627 F.Supp.2d
26 1083, 1088 (N.D.Cal. 2008). In this case, the Court does not find an award of punitive
27 damages to be appropriate. *Id.* at 1093-94 (Court does not have to take allegations regarding
28 damages as true in the context of a default judgment.)

³ Because this Order resolves all outstanding claims between all parties, the Clerk of
the Court shall close this case.